

226668



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

March 19, 2010

ENTERED
Office of Proceedings

MAR 19 2010

Part of
Public Record

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

RE: Exemption for Discontinuance of Service and Trackage Rights on the Alameda Belt Line from Milepost 0.00 to Milepost 1.80, a distance of 1.80 miles in the City of Alameda, Alameda County, California; STB Docket AB-33 (Sub-No. 291X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 291X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,

FEE RECEIVED

MAR 19 2010

Enclosures

**SURFACE
TRANSPORTATION BOARD**

cc: All Concerned Parties

FILED

MAR 19 2010

**SURFACE
TRANSPORTATION BOARD**

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 291X)

**UNION PACIFIC RAILROAD COMPANY
-- NOTICE OF EXEMPTION FOR
DISCONTINUANCE OF SERVICE AND TRackage RIGHTS --
IN ALAMEDA COUNTY, CALIFORNIA
(ALAMEDA BELT LINE)**

**Notice of Exemption
For
Discontinuance of Service and Trackage Rights**

**UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065 (facsimile)**

**Dated: March 19, 2010
Filed: March 19, 2010**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 291X)

**UNION PACIFIC RAILROAD COMPANY
-- NOTICE OF EXEMPTION FOR
DISCONTINUANCE OF SERVICE AND TRackage RIGHTS --
IN ALAMEDA COUNTY, CALIFORNIA
(ALAMEDA BELT LINE)**

**Notice of Exemption
For
Discontinuance of Service and Trackage Rights**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption for Discontinuance of Service and Trackage Rights ("Notice of Exemption") pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt discontinuance of service and trackage rights extending from Milepost 0.00 to Milepost 1.80, a total distance of 1.80 miles, in the City of Alameda, (the "City"), on the 2.61 mile line of railroad known as the Alameda Belt Line, in the City of Alameda, Alameda County, California (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The discontinuance of service and trackage rights are proposed to be consummated on or after May 9, 2010 (at least fifty (50) days after filing this Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two (2) years. Therefore, there is no need to reroute any traffic. UP further certifies

that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to discontinue service and discontinue trackage rights from Milepost 0.00 to Milepost 1.80, a total distance of 1.80 miles in the City of Alameda, Alameda County, California .

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1** and is hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065 (facsimile)

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Code 94501.

(e)(4) Rural and Community Impact.

By decision of the Board in Finance Docket 33682, with a service date of November 24, 1998, the Board authorized the Alameda Belt Line ("ABL") to grant local trackage rights to UP over 1.80 miles of ABL's rail line between Milepost 0.00 near Clement Avenue and Milepost 1.80 near Sherman Street in the City. ABL is jointly owned by UP and the Burlington Northern and Santa Fe Railway Company ("BNSF"), and, after the trackage rights became effective, UP handled rail cars as the operating agent for BNSF. The City has negotiated a purchase agreement with UP and BNSF to purchase the Line. As a condition to closing under the Purchasing Agreement, the City desires that both UP and BNSF discontinue service and trackage rights on the Line.

UP does not believe the Line is suitable for other public purposes other than that proposed by the City.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line, or any passenger service. No complaints regarding cessation of service have been filed at the Board, are pending, or have been decided in favor of a complainant within the past two years. The discontinuance of service and trackage rights on the Line will have no effect on local or regional transportation systems, and no traffic will be diverted to other transportation systems.

UP has no interest in the land with respect to the Line, merely trackage rights, but based upon information in the UP's possession, the Line contains no federally granted rights-of-way. UP will make any documentation in its possession available promptly to those requesting it.

A map of the Line is attached as **Exhibit No. 1.**

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached as **Exhibit 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

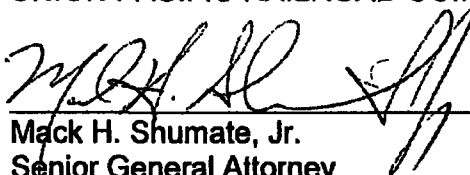
Environmental and Historic Report

Not applicable in that UP is merely discontinuing service and trackage rights on the Line.

Dated this 19th day of March, 2010.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065 (facsimile)

VERIFICATION

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)


) ss:

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

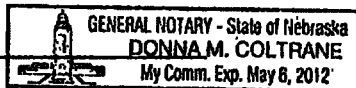
Dated at Omaha, Nebraska, this 26th day of January, 2010.

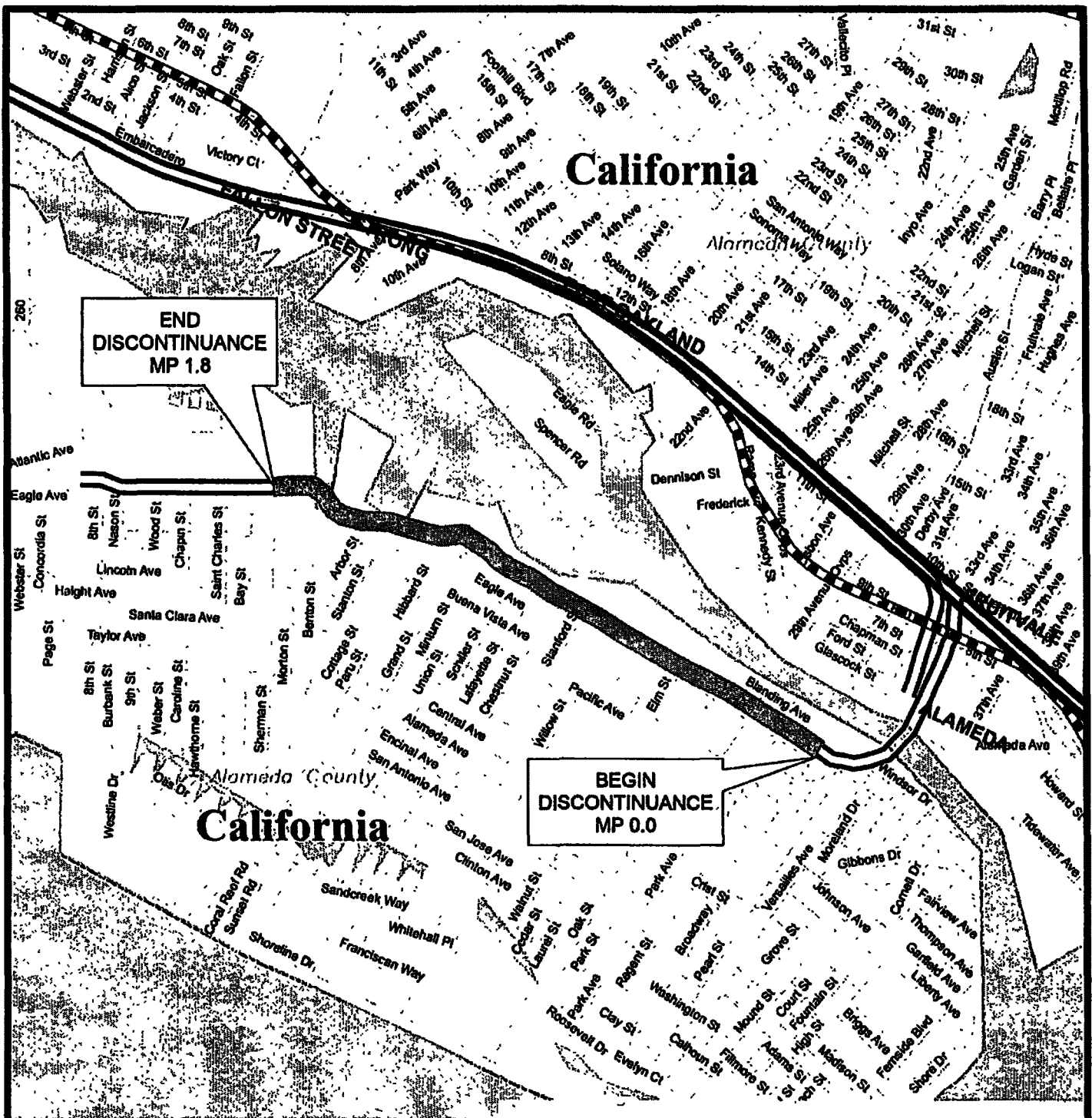

Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 26th day of
January, 2010.






Notary Public

My Commission expires: _____





Legend

-  UPRR TRACKAGE RIGHTS TO BE DISCONTINUED
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

ALAMEDA BELT LINE

MP 0 TO MP 1.8
TOTAL OF 1.8 MILES IN ALAMEDA COUNTY
IN CALIFORNIA

UNION PACIFIC RAILROAD CO.
DISCONTINUED TRACKAGE RIGHTS
ALAMEDA BELT LINE
CALIFORNIA
AB-33 (SUB-NO.291X)

0 1,100 2,200 4,400
Feet

UNION PACIFIC RAILROAD COMPANY
-- NOTICE OF EXEMPTION FOR
DISCONTINUANCE OF SERVICE AND TRackage RIGHTS --
IN ALAMEDA COUNTY, CALIFORNIA
(ALAMEDA BELT LINE)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on March 9, 2010 (at least ten (10) days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to discontinue service and trackage rights from Milepost 0.00 to Milepost 1.80, a total distance of 1.80 miles in the City of Alameda, Alameda County, California in Docket No. AB-33 (Sub-No. 291X). Written notice (a copy of which is attached) was served on the following:

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite #700
Oakland, CA 94607

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
14th Street & Independence Avenue, S.W.
Washington, DC 20250

Headquarters
Military Surface Deployment &
Distribution Command
Transportation Engineering Agency
Attn: SDTE-SA
Railroads for National Defense
709 Ward Drive, Building #1990
Scott AFB, IL 62225-5357

49 C.F.R. § 1105.11—Environmental and Historic Report

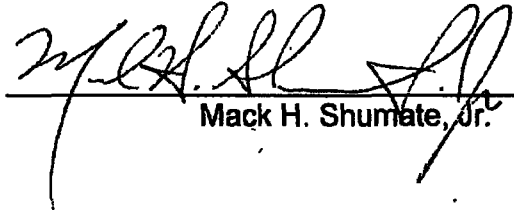
Not applicable in that UP is merely discontinuing service and trackage rights on the Line.

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Discontinue Service and Trackage Rights" was published in the form prescribed by the Board for a Notice of Exemption. The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Alameda	<i>The Inter-City Express</i>	March 15, 2010

Dated this 19th day of March, 2010.


Mack H. Shumate, Jr.

THE INTER-CITY EXPRESS
~ SINCE 1909 ~

1109 OAK STREET STE 103, OAKLAND, CA 94607-4866
Telephone (510) 272-4747 / Fax (510) 465-1657

MEG SHEA
BOZELL AND JACOBS
13801 FNB PKWY
OMAHA, NE - 68154

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description: NOTICE OF INTENT TO DISCONTINUE SERVICE AND
TRACKAGE RIGHTS

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the INTER-CITY EXPRESS, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

I declare that the INTER-CITY EXPRESS is a newspaper of general circulation as defined by the laws of the State of California as determined by this Court's order, dated October 21, 1910, in the action entitled in the Matter of the Application of the INTER-CITY EXPRESS Publishing Company Establishing "THE INTER-CITY EXPRESS" To be a Newspaper of General Circulation, Case Number 33837, and as Amended November, 19, 1974. Said order, as amended, Orders that: "The INTER-CITY EXPRESS" is a newspaper of general circulation, as defined in Section 6000 et seq. of the Government Code, for the City of Oakland, the County of Alameda, and The State of California." Said order as amended has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

03/15/2010

Executed on: 03/19/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

This space for filing stamp only

OK #: 1815213

**NOTICE OF INTENT
TO DISCONTINUE SERVICE AND
TRACKAGE RIGHTS**

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after March 19, 2010, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F - Exempt Abandonments and Discontinuances, for an exempt discontinuance of service and trackage rights extending from Milepost 0.00 to Milepost 1.80 in the City of Alameda, California on the 2.61 mile line of railroad known as the Alameda Belt Line, located in the City of Alameda, Alameda County, California. The line traverses U. S. Postal Service Zip Code 94501. The proceeding has been docketed as No. AB-33 (Sub-No. 291X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available twenty-five (25) days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295. The Notice of Exemption will provide that the proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's: Mack Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1820, Chicago, Illinois 60606 (312) 777-2055.

UNION PACIFIC RAILROAD COMPANY
3/15/10

OK-1815213#





Mack H. Shumate, Jr.
Senior General Attorney, Law Department

March 9, 2010

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite #700
Oakland, CA 94607

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
14th Street & Independence Avenue, S.W.
Washington, DC 20250

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
Attn: SDTE-SA
Railroads for National Defense
709 Ward Drive, Building #1990
Scott AFB, IL 62225-5357

**RE: Proposed Discontinuance of Service and Trackage Rights on the Alameda Belt Line,
from Milepost 0.00 to Milepost 1.80 -- STB Docket No. AB-33 (Sub-No. 291X).**

Dear Sir or Madame:

This is notice that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after March 19, 2010, a Notice of Exemption for Discontinuance of Service and Trackage Rights from Milepost 0.00 to Milepost 1.80, a total distance of 1.80 miles in the City of Alameda, Alameda County, California (the "Line"). The Line traverses U. S. Postal Service Zip Code 94501.

The "no business" exemption procedure will be used to discontinue service and trackage rights on the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. § 1152.50. No local traffic has moved over the Line for at least two (2) years and there is no overhead traffic on the Line. A Notice of Exemption for Discontinuance of Service and Trackage Rights pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two (2) years) will be filed with the STB on or after March 19, 2010.

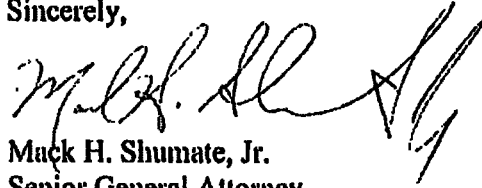
Based on information in UP's possession, the Line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

March 9, 2010
Page 2

AB-33(Sub-No. 291X)

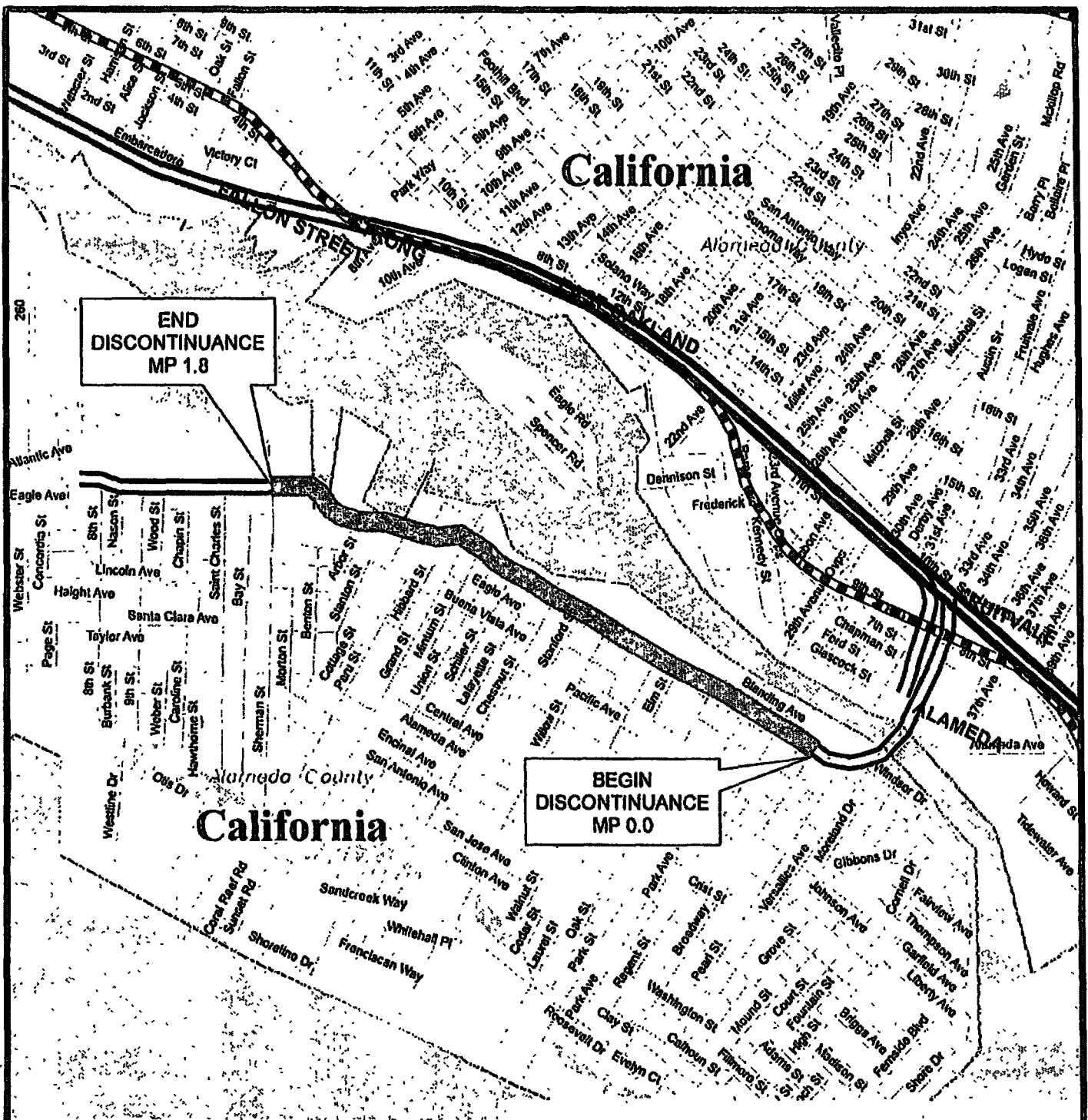
A map showing the segments of Line to be abandoned and discontinued, respectively, is attached for your information.

Sincerely,





A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment



Legend

-  UPRR TRACKAGE RIGHTS TO BE DISCONTINUED
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

ALAMEDA BELT LINE

MP 0 TO MP 1.8
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